

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: OCTOBER 7, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: VAC-35193 - APPLICANT: A CAB TAXI, CO. - OWNER: 4444 SOUTH VALLEY VIEW DRIVE, LLC**

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**\*\* CONDITIONS \*\***

Staff recommends DENIAL. The Planning Commission (5-0-1/vq vote) recommends APPROVAL, subject to conditions.

1. The limits of this Petition of Vacation shall be defined as a portion of right-of-way abutting APN #139-26-201-004 such that a minimum 60-foot right-of-way is maintained.
2. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
4. All development shall be in conformance with code requirements and design standards of all City Departments.
5. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
6. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

This is a request for a petition to Vacate a 3,126 square-foot portion of public right-of-way generally located on the north side of Gragson Avenue approximately 580 west of Bruce Street. Planning and Development cannot support this Vacation as it is part of a proposed development that is not compatible and harmonious with the surrounding development.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc. and Property Sales</i></b>	
05/17/06	The City Council approved a request for a General Plan Amendment (GPA-9219) to change the Future Land Use designation to Commercial, Mixed Use, Industrial or Public Facilities on various parcels located within the proposed Las Vegas Redevelopment Plan area and within the proposed Redevelopment Plan expansion area. The Planning Commission and staff recommended approval of the request.
08/07/08	A deed was recorded for a change of ownership at 1500 Searles Avenue.
06/18/09	A Code Enforcement citation (#79197) was issued for electrical, plumbing and concrete work being done without a permit at 1500 Searles Avenue. Code Enforcement has not closed the case.
09/10/09	<a href="#">The Planning Commission recommended approval of companion item SDR-35195 concurrently with this application.</a>  <a href="#">The Planning Commission voted 5-0-1/vq to recommend APPROVAL (PC Agenda Item #19/bts).</a>
<b><i>Related Building Permits/Business Licenses</i></b>	
03/02/93	A Business License (#D01-00001) was issued for a dairy at 1500 Searles Avenue. The license was reclassified to (#G03-01846) on 06/03/98. The license was marked out of business on 10/18/07.
09/17/97	A Building Permit (#97019201) was issued to replace a riser at 1500 Searles Avenue. The permit expired on 03/21/98.
03/05/02	A Building Permit (#2003896) was issued for a repair to a sewer line at 1500 Searles Avenue. The permit was finaled on 03/06/02.
05/29/08	A Business License (#I02-00081) was issued for an ice cream parlor at 1500 Searles Avenue. The license was reclassified from (#D01-00015) on 02/19/88. The license was marked out of business on 06/01/09.

<b><i>Pre-Application Meeting</i></b>	
07/10/09	<p>A pre-application meeting was held on the indicated date. The following items were discussed:</p> <ul style="list-style-type: none"> <li>• Concerns about existing buildings and proper permits.</li> <li>• Existing barbed wire/chain-link fencing around the site.</li> <li>• Existing storage containers on the site.</li> <li>• Intended use and hours of operation.</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not required nor was one held.	
<b><i>Field Check</i></b>	
07/23/09	<p>A field check was completed on the indicated date. The following items were observed by Planning and Development staff.</p> <ul style="list-style-type: none"> <li>• Four buildings are located on subject site, but no permits exist on the subject buildings</li> <li>• Eleven storage containers exist on the subject site. Several containers are located within the right-of-way.</li> <li>• An eight-foot wall, chain-link and razor wire exists on portions of the subject site. None of the screening devices contain permits.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	1.89 acres

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Vacant Building	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
North	Valley Broadcasting	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)
South	Jim Rogers Car Collection	C (Commercial)	C-1 (Limited Commercial)
East	Housing Authority	ML (Medium Low Density Residential)	R-3 (Medium Density Residential)
West	Valley Broadcasting and Landscape Company	LI/R (Light Industry/Research)	C-M (Commercial/Industrial)

<i><b>Special Districts/Zones</b></i>	<i><b>Yes</b></i>	<i><b>No</b></i>	<i><b>Compliance</b></i>
<b>Special Area Plan</b>	X		
Downtown North Land Use Plan	X		Y
<i><b>Special Districts/Zones</b></i>	<i><b>Yes</b></i>	<i><b>No</b></i>	<i><b>Compliance</b></i>
<b>Special Purpose and Overlay Districts</b>			
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DESCRIPTION

This is a request for a Petition to Vacate a 3,126 square-foot portion of public right-of-way generally located on the north side of Gragson Avenue approximately 580 west of Bruce Street.

The above property is legally described as a 3,126 square-foot portion of public right-of-way recorded in book 0375, as instrument number 0278554, and book 746, as instrument number 599206, official records of Clark County Nevada, lying within the southeast quarter (SE1/4) of the northwest quarter (NW1/4) of Section 26, Township 20 South, Range 61 East, M.D.M.

## ANALYSIS

### ***A) Planning discussion***

Planning and Development cannot support the subject Vacation as it is a part of a proposed development that is incompatible and not harmonious with surrounding development.

### ***B) Public Works discussion***

The following information is presented concerning this request to vacate certain public street right of ways:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths?  
*The Vacation request results in a uniform right-of-way width.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability?  
*No, traffic handling will not be affected.*
- C. Does it appear that the vacation request involves only excess right-of-way?  
*Yes, the proposed area of vacation appears to be excess right-of-way.*

- D. Does this vacation request coincide with development plans of the adjacent parcels?  
*Yes, the vacation request is coincident to a site development plan (SDR-35195)*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No*
- F. Does this vacation request result in a conflict with any existing City requirements? *No*
- G. Does the Department of Public Works have an objection to this vacation request? *No*

**PLANNING COMMISSION ACTION**

The Planning Commission amended Condition #1 as shown to which the applicant agreed.

**NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 8

**ASSEMBLY DISTRICT** 6

**SENATE DISTRICT** 4

**NOTICES MAILED** 8 by City Clerk

**APPROVALS** 0

**PROTESTS** 0